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Attorney for Defendant, MAURO PICININNI

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

UNITED STATES OF AMERICA)	
)	2:11-cr-222JCM-PAL
Plaintiff,)	
)	STIPULATION TO CONTINUE
v.)	PRETRIAL MOTION DEADLINES
)	
MAURO PICININNI,)	
)	
Defendant,)	
)	

STIPULATION
(First Request)

IT IS HEREBY STIPULATED and AGREED by and between Amber Craig, Assistant United States Attorney, and Richard A. Schonfeld, Attorney for Defendant Mauro Picininni, that the parties shall have to and including November 1, 2011, within which to file the Defendants' Pretrial Motions currently due August 1, 2011.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties herein, that the they shall have to and including, November 15, 2011, within which to file any and all responsive pleadings, currently due August 15, 2011.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties herein that they shall have to and including, November 22, 2011, within which to file any and all replies to said motions, currently due August 22, 2011.

1 That the calendar call in this matter currently scheduled for August 24, 2011 at the hour of
2 2:00 p.m., be vacated and the trial currently scheduled for August 29, 2011 at the hour of 9:00 a.m.
3 be vacated and reset to a time and date convenient to this Honorable Court, not prior to December
4 1, 2011. Accordingly,

6 This Stipulation is entered into for the following reasons:

7 1. That Counsel for the Defendant, Mauro Picininni has been in communication with
8 the Assistant United States Attorney Amber Craig in an attempt to settle this matter. Accordingly,
9 additional time is needed to reach an agreement;

11 2. Defense Counsel recently received Discovery and some additional laboratory reports
12 are expected to be produced in the near future.

13 3. Counsel for Defendant has been in communication with Assistant United States
14 Attorney Amber Craig and there is no objection to the continuance as outlined above;

16 4. For all the above-stated reasons, the ends of justice would best be served by a
17 continuance of the parties' motions deadline, response deadlines, reply deadline and trial date;

19 5. Denial of this request for continuance of the pretrial motions, response deadlines and
20 trial would deny counsel for both the government and Defendant sufficient time within which to be
21 able to adequately research, prepare, and submit for filing appropriate motions and responses and
22 would further deny the parties herein sufficient time within which to adequately prepare for trial,
23 taking into account the exercise of due diligence;

25 6. Additionally, denial of this request for continuance would result in a miscarriage of
26 justice;

27 7. For all the above-stated reasons, the ends of justice would best be served by a
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1 continuance for the parties' pretrial motions, response deadlines and trial date;


2 8. The additional time requested in this Stipulation is excludable in computing the time
3 within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States
4 Code, Sections 3161(h)(1)(D) and 3161(h)(7)(A) when considering the factors under Title 18, United
5 States Code, Sections 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv);
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7 9. This is the first request for continuance of the pretrial motions, response deadlines
8 and trial date on behalf of the Defendants.
9

10 **DATED** this ____ day of July, 2011.

11 **UNITED STATES ATTORNEY**

CHESNOFF & SCHONFELD

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14 **AMBER CRAIG, AUSA**
15 333 Las Vegas Blvd. South, Suite 500
16 Las Vegas, Nevada 89101
17 Attorney for Plaintiff
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RICHARD A. SCHONFELD, ESQ.
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520 South Fourth Street
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Attorney for Defendant, Mauro
Picininni

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. That Counsel for the Defendant, Mauro Picininni has been in communication with the Assistant United States Attorney Amber Craig in an attempt to settle this matter. Accordingly, additional time is needed to reach an agreement;

2. Defense Counsel recently received Discovery and some additional laboratory reports are expected to be produced in the near future.

3. Counsel for Defendant has been in communication with Assistant United States Attorney Amber Craig and there is no objection to the continuance as outlined above;

4. For all the above-stated reasons, the ends of justice would best be served by a continuance of the parties' motions deadline, response deadlines, reply deadline and trial date;

5. Denial of this request for continuance of the pretrial motions, response deadlines and trial would deny counsel for both the government and Defendant sufficient time within which to be able to adequately research, prepare, and submit for filing appropriate motions and responses and would further deny the parties herein sufficient time within which to adequately prepare for trial, taking into account the exercise of due diligence;

6. Additionally, denial of this request for continuance would result in a miscarriage of justice;

7. For all the above-stated reasons, the ends of justice would best be served by a continuance for the parties' pretrial motions, response deadlines and trial date;

8. The additional time requested in this Stipulation is excludable in computing the time

1 within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States
2 Code, Sections 3161(h)(1)(D) and 3161(h)(7)(A) when considering the factors under Title 18, United
3 States Code, Sections 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv);
4

5 9. This is the first request for continuance of the pretrial motions, response deadlines
6 and trial date on behalf of the Defendants.

7 **ORDER**

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9 **IT IS HEREBY ORDERED** that the parties herein shall have to and including November
10 1, 2011, within which to file any and all pre-trial motions.

11 **IT IS FURTHER ORDERED** that the parties herein shall have to and including November
12 15, 2011, within which to file any and all responsive pleadings.

13
14 **IT IS FURTHER ORDERED** that the parties herein shall have to and including November
15 16, 2011, within which to file any and all replies.

16 **IT IS FURTHER ORDERED** that the trial of the within matter currently scheduled for
17 August 29, 2011 at the hour of 9:00 a.m., shall be and is hereby vacated and the trial shall commence
18 on the **5th day of December, 2011 at 9:00 a.m.**

19 **IT IS FURTHER ORDERED** that the Calendar Call of the within matter currently
20 scheduled for August 24, 2011, shall commence on the **30th day of November, 2011 at 1:30 p.m.**
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James C. Mahan
UNITED STATES DISTRICT JUDGE

RICHARD A. SCHONFELD, ESQ.
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Attorney for Defendant, Mauro Picininni